UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,517	08/17/2001	Edgar Michael Fitzsimons	4301-4000	6328

27123   7590   12/29/2005

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>17 August 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to the RCE and Request For Reconsideration filed

10/4/2005. Claims 1-39 are pending in this application. Claims 1, 14 and 27 are independent

claims. This action is Non-Final.

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior office action.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

4.   Claims 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claim 6 recites the limitation "the designated space" in lines 2-3. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5.   Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora et al.

("Arora", US 2002/0023111A1) in view of Fisher (US 6,331,858 B2).

As per claims 1 and 3, Arora teaches a method of constructing a composite image within

an image space of a webpage, such method comprising: dividing the image space of the

composite image into a plurality of subspaces (figs. 38-41; *each subspace encompasses a*

DataList and DataField object such as element "Headline" and the image element in figure 41), designating a subspace of the plurality of subspaces for receipt of a selected image of the plurality of source images (abstract; figs. 38-41; page 8, paragraphs [140-148]; pages 3 and 5, paragraphs 76-78 and 94; *selecting and dragging/dropping display elements such as images to their designated subspaces to define a webpage layout*); and resizing the selected image to fit the designated subspace of the composite image, and displaying the resized image in the designated subspace (page 5, paragraph 103; page 6, paragraph 109; page 8, paragraph 147; *sizing function*).

While Arora teaches the steps of selecting and dragging/dropping display elements to their designated subspaces, Arora does not expressly disclose the step of displaying a plurality of source images (*display elements*) within a content area of the webpage for selecting/dragging/dropping a desired image. Fisher teaches a web browsing user interface for selecting a desired texture image within a content area of a webpage to be applied to a designated subspace on the webpage (abstract; fig. 3; col. 3, lines 37-40; col. 4, lines 17-45). It would have been obvious to an artisan at the time of the invention to combine Fisher's teaching of displaying a plurality of image choices in a content area of the webpage with Arora's method in order to facilitate user's viewing and selecting desired images.

As per claim 2, Arora teaches the step of using a mark-up language to encode the composite image (page 1, paragraph 10).

As per claim 4, Arora teaches the step of displaying a plurality of text images within the content area (page 5, paragraph 94).

As per claim 5, Arora teaches the step of designating a subspace of the plurality of subspaces for receipt of a selected text image of the plurality of text images (page 3, paragraph 78; and page 5, paragraphs 94 and 96).

As per claim 6, Arora teaches the step of resizing the selected text image of the plurality of text images to fit the designated space (page 5, paragraph 103; *sizing function*).

As per claim 7, Arora teaches the step of displaying the resized text image in the designated subspace (page 5, paragraphs 95 and 99; *previewing*)

As per claims 8-9, Arora's method discloses a Text Tool for creating a text display element (page 5, paragraph 107), but Arora does not explicitly teach the steps of editing text within a text image of the plurality of text images, and editing a content of the text image within the designated space. Official Notice is taken that the step of editing text and/or content of a text image is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a feature in order to allow users to modify texts that have already been entered.

As per claim 10, Arora teaches the step of dividing a subspace of the plurality of subspaces into a text area and an image area (fig. 5; page 5, paragraph 94).

As per claim 11, Arora teaches the step of dragging a text image of the plurality of text images to the text area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 12, Arora teaches the step of dragging a source image of the plurality of source images to the image area of the divided subspace (fig. 5; page 5, paragraph 94).

As per claim 13, Arora teaches the step of disposing lines around a subspace of the plurality of subspaces (fig. 5; outline of a border around image 502 and text 504).

Claims 14-26 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.

Claims 27-39 are similar in scope to claims 1-13 respectively, and are therefore rejected under similar rationale.

Response to Arguments

6.   Applicant's arguments with respect to claim 1 have been fully considered but they are not persuasive.

Applicant argues that Arora fails to teach or suggest: "...designating a subspace of the plurality of subspaces for receipt of a selected image...", and "resizing the selected image to fit the designated subspace..."

The Examiner disagrees for the following reasons, and as pointed out in the rejection section above, Arora's teaching regarding the designation of subspaces is further clarified in the rejection section above, where figures 38-41 are used to depict the layout of subspaces where the subspaces are designated for receipt of a selected image, which could be sized to fit the designated subspace (figs. 38-41; page 8, paragraphs [140-148]).

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY D. LUU
PRIMARY EXAMINER